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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David Matthew Oles

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EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

03/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/660,879		OLES ET AL.	
	Examiner		Art Unit	
	CHRISTIAN E. RENDÓN		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed 12/26/07 in which applicant amends claims 1 and 21, adds claims 29-31, and responds to claim rejections. Claims 1-12 and 17-21 are still pending.

Claim Rejections - 35 USC § 103

Claims 1-12 & 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBan (US 5,386,103) in view of Artino et al. (US 6,328,208 B1).

1. Regarding claim 1, 3-4, 10 and 24-25, DeBan presents an invention that provides an improved customer identification and verification system (DeBan: col. 1, lines 42-43) for systems of cashing documents (DeBan: col. 1, lines 6-7). The system includes a customer ID card or "smart card" for storing a person's universal face space (UFS), which is a mathematical representation (DeBan: col. 6, lines 40-44) of a person's facial characteristics (DeBan: col. 4, lines 40-41). These values are stored on the person's customer ID card or "smart card" (DeBan: col. 9, lines 59-65) and when the person swipes the card in the magnetic card reader (DeBan: fig. 2, 32) a verification process begins that will confirm a person's identity. A comparison is made between the card's values and the values generated from a current image of the person that is obtained from the camera (DeBan: fig. 1, 36) that is inside the front of an automated teller machine (ATM) (DeBan: col. 7, lines 1-5). When a match is calculated the verification process is completed and the user is authorized or allowed to make cash transactions (DeBan: col. 1, line 54).

2. DeBan is silent about the use of this identification and verification system in a gaming machine. However, DeBan further explains that this system "can be applied to securities system, for example, or any system which so requires a personal identification" (DeBan: col. 10, lines 33-36).

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Although an ATM is not a gaming machine, both of them dispense objects of value therefore both of them require security measures to insure the well being of the user and the integrity of the machine.

3. Furthermore DeBan fails to disclose an internal camera system for photographing the interior of the ATM. Artino discloses a secure depository system for banking machines (Artino: col. 1, lines 8-11). In other words, a system for accepting cash and checks in a secure manner has been invented for an ATM. A user begins the process by swiping their ATM card and verifying their identity through a PIN number (Artino: col. 13, lines 20-22). An exterior camera, which is always operating films a person approaching and using the ATM (Artino: col. 3, lines 40-41). The system contains an interior camera for capturing images of the items that are deposited into the ATM (Artino: col. 12, lines 31-36). The system contains a frame splitter that records images from both cameras simultaneously in a single image frame (Artino: col. 7, lines 16-20), hence the system records a single image of the user and the item that was deposited during the interaction (Artino: col. 12, lines 60-63) into the ATM. In other words, the Artino teaches a camera in communication with a coin depositor or peripheral of a machine. Once the image is complete, it is sent to an image server (Artino: fig. 16, 204) through a local or wide area network (Artino: col. 22, lines 17, 35-39).

4. At the time of the applicant's invention it would have been obvious to one of ordinary skill in the art to combine the security features of the ATM disclosed by DeBan and Artino in order to create a more secure machine. Artino expresses a desire to fulfill the need to create a secure depository system that accepts deposits from only authorized users (Artino: col. 1, lines 8-11). Therefore eliminating the chance that a person, who does not want to be identified, from placing destructive materials or "fishing" in the depository (Artino: col. 1, lines 41-44). Since the possibility of stolen PIN numbers is a reality, a thief can circumvent the identification and verification method of the ATM disclosed by Artino. Therefore one of ordinary skill would surmise that the facial recognition system disclosed by DeBan would provide a strong method of security for the ATM and would combine the

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two inventions. These security concerns are also relevant in a gaming machine as a means to prevent and capture would be criminals who try to use a stolen casino card (just like the stolen PIN number scenario) or tamper with the device through the token slot acceptor/dispenser.

5. Regarding claim 2, Artino discloses a system that records an image from an exterior and interior camera and combines the single frame of each image into a composite image (Artino: col. 7, lines 16-20) and sent to a server for storing recording purposes (Artino: col. 22, lines 17, 35-39). Artino expresses a desire to prevent damage occurring to the ATM by an unauthorized user by placing certain measures to discourage a criminal (Artino: col. 13, lines 12-13) for example a lock position for the door to the depository, sensors on the control panel that activate alarm devices when the panel is opened without permission (Artino: col. 8, lines 35, 38-40, 49). However Artino is silent about recording an image when criminal activity actually occurs to the ATM. It would have been obvious to one of ordinary skill in the art at the time of the invention to program the system to record a person damaging or forcing an item into the ATM and then send the image to the server. Therefore the owners of the ATM can provide hard evidence to the police that will speedup an investigation that can lead to an arrest.

6. Regarding claims 7-8, through the system disclosed by DeBan a customer must first approach the human teller station (fig. 1, 14) to open a new account. Therefore the human teller station is located in remote location relative to the ATM. At the station, a digital camera photographs the customer's face (col. 6, lines 28-33). Since the native format of the first facial image is digital, the system immediately begins calculating the customer's UFS (col. 6, lines 33-44). This process calculates the projection vectors coefficients, which represents the image and are the values saved on the magnetic strip of a card (col. 6, lines 44-46).

7. Regarding claims 5-6 and 9, DeBan discloses an ATM using a high-resolution camera to record the current facial image of the customer. One of ordinary skill in the art would easily recognize

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that DeBan discloses the use of either a digital or analog camera for capturing an image. Therefore the type of camera is a choice left up to the owner of the ATM system to make based on their specific needs. One of ordinary skill would also recognize that the option of an analog camera would require the use of an analog to digital converter since DeBan discloses that the data on the ATM card is recorded digitally (col. 6, lines 44-46).

8. Regarding claims 17-18 and 21-23, the above description of the art combination disclosed by the DeBan and Artino and the limitations they pertain is considered within this art rejection as well. The interaction between the customer and the ATM begins with the swiping of their ATM card in the magnetic strip reader (DeBan: fig 1, 32), therefore an ATM card can cause a triggering event or verification process to occur through the card reader, which is a peripheral of the machine. Furthermore this peripheral, the card reader has no association with the image collection device or camera. Artino discloses a couple of security measures to prevent crime, locked door (Artino: col. 13, lines 12-13) and stop crime, alarms (Artino: col. 8, lines 35, 38-40, 49). However Artino is silent about recording an image when criminal activity actually occurs to the ATM. It would have been obvious to one of ordinary skill in the art at the time of the invention to program the system to record a person damaging or forcing an item into the ATM and then send the image to the server. Therefore the owners of the ATM can provide hard evidence to the police that will speedup an investigation that can lead to an arrest.

9. Regarding claims 11-12 and 26-27, the art combination of DeBan and Artino discloses the claimed invention expect for the extra cameras located inside and outside the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include an extra camera to film a wider field of vision, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. It is a matter of common sense to include an extra camera in the interior of a machine to film different parts that are far apart. The

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realization of an extra camera filming the exterior of the machine to allow different angles to be recorded is also a matter of common sense.

10. Regarding claims 19-20, it is well known in the art of gaming for a triggering event to occur during the operation of a game. DeBan and Artino are silent about the use of this identification and verification system in a gaming machine. However, DeBan further explains that this system “can be applied to securities system, for example, or any system which so requires a personal identification” (col. 10, lines 33-36). Although an ATM is not a gaming machine, both of them dispense objects of value therefore both of them require security measures to insure the well being of the user and the integrity of the machine. Therefore when the system disclosed by DeBan is applied to a gaming machine a processor or gaming controller would control the camera and would be in communication with other peripherals.

11. Regarding claim 28, the above description of the art combination disclosed by the DeBan and Artino and the limitations they pertain is considered within this art rejection as well. As discussed previously, DeBan and Artino both discloses a trigger event caused by a customer swiping their ATM card in the reader. The event in the system disclosed by Artino is asking a user to verify their identity by entering a PIN number (Artino: fig. 17A, 134-136). The DeBan system identifies a person by capturing a current facial image and comparing it to the image stored on the ATM card. Therefore both prior arts teach a process of user identification and verification before granting accessing to a user's account. Furthermore, Artino includes a second triggering event caused by the user depositing an item into the ATM (Artino: col. 7, lines 16-20). During the second event, both cameras capture an image of the user and the deposited item simultaneously. Therefore the art combination of DeBan and Artino discloses two triggering events, an initial verification accomplished through their PIN number or face recognition software and a second event capturing an image of a person using the ATM. Therefore, it would have been obvious to one of ordinary skill to change the Artino second

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event to a second face recognition event to insure an authorized user is still using the ATM since the necessary technology is already in place. Furthermore, Artino discloses printing transaction receipts with customer identifying data (Artino: col. 17, lines 10-14). It is well known in the art that a person's image is a form of identifying data that has been used in the past by financial institutions, for example some banks offer printing the person's image on bank checks as a form of identification.

Response to Arguments

12. Applicant's arguments filed 12/26/07 have been fully considered but they are not persuasive. As stated above, DeBan teaches implementing the disclosed security features in any system that requires a personal identification (DeBan: col. 10, lines 33-36) before granting access to a transaction that involves cashing documents (DeBan: col. 1, lines 43-45) like cash, casino money, anything of value, etc. Therefore DeBan teaches the applicant's second verification process during a payout and every other triggering event that involves verifying the identity of the user. Furthermore as stated above Artino teaches programming the system to capture an image of a user and the deposited item (Artino: col. 12, lines 60-63) therefore teaching an image collection device configured to communicate with a peripheral.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire

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later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN E. RENDÓN whose telephone number is (571)272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHRISTIAN E RENDÓN
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